

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF GEORGIA
2211 UNITED STATES COURTHOUSE
75 SPRING STREET, SW
ATLANTA, GEORGIA 30303-3361

JAMES N. HATTEN
DISTRICT COURT EXECUTIVE
AND CLERK OF COURT

DOCKETING SECTION
404-215-1655

December 23, 2013

John Ley, Clerk of Court
U.S. Court of Appeals, Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

U.S.D.C. No.: 1:13-cv-3853-JEC

U.S.C.A. No.: 00-00000

In re: **Bank of America, N.A. v. Pamela Fae Peele**

Enclosed are documents regarding an appeal in this matter. Please acknowledge receipt on the enclosed copy of this letter.

☒ Certified copies of the notice of appeal, docket sheet and judgment and/or order appealed enclosed.

☐ This is not the first notice of appeal. Other notices were filed on: .

☐ There is no transcript.

☐ The court reporter is .

☐ There is sealed material as described below: .

☐ Other: .

☒ Fee paid on 12/23/13 .

☐ Appellant has been leave to file *in forma pauperis*.

☐ This is a bankruptcy appeal. The Bankruptcy Judge is .

☐ The Magistrate Judge is .

☐ The District Judge is .

☐ This is a **DEATH PENALTY** appeal.

Sincerely,

James N. Hatten
District Court Executive
and Clerk of Court

By: /s/ Elaine N. McFarland
Deputy Clerk

Enclosures

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

In re:

Pamela Fae Peele,

Debtor.

Case No. 13-cv-03853-JEC

Bank of America, N.A.,

Appellant,

v.

Pamela Fae Peele,

Appellee.

**NOTICE OF APPEAL TO THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

Pursuant to 28 U.S.C. § 158(d) and Fed. R. App. P. 3(a) and 6, Appellant Bank of America, N.A. hereby gives notice of appeal to the United States Court of Appeals for the Eleventh Circuit from the final order of the United States District Court for the Northern District of Georgia (Carnes, J.) and judgment entered in this case on December 16 and 23, 2013 [Dkt. # 7, 8], affirming the October 18, 2013, order entered by the United States Bankruptcy Court for the Northern District of Georgia (Hagenau, J.) (No. 12-81760, Dkt. # 52).

The names of all parties to the order appealed from and the names, addresses and telephone numbers of their respective attorneys are as follows:

Appellant	Counsel
Bank of America, N.A.	<p>J. Kelsey Grodzicki Rubin Lublin LLC 3740 Davinci Court, Suite 150 Peachtree Corners, Georgia 30092 (770) 246-3324</p> <p><i>and</i></p> <p>Craig Goldblatt Wilmer Cutler Pickering Hale & Dorr LLP 1875 Pennsylvania Ave., N.W. Washington, D.C. 20006 (202) 663-6000</p>
Appellee	Counsel
Pamela Fae Peele	<p>E.L. Clark Clark & Washington, P.C. Bldg. 3 3300 Northeast Expressway Atlanta, Georgia 30341 (404) 220-0685</p>

Respectfully submitted this 23rd day of December, 2013.

/s/ J. Kelsey Grodzicki

J. KELSEY GRODZICKI

Georgia Bar No. 134259

Rubin Lublin LLC

3740 Davinci Court, Suite 150

Peachtree Corners, Georgia 30092

(770) 246-3324

CRAIG GOLDBLATT

Wilmer Cutler Pickering Hale & Dorr LLP

1875 Pennsylvania Ave., N.W. Washington,

D.C. 20006

(202) 663-6000

Counsel for Bank of America, N.A.

FONT CERTIFICATION

The undersigned counsel for Bank of America, N.A. hereby certifies that the within and foregoing was prepared using Times New Roman, 14-point font in accordance with LR 5.1(B).

This 23rd day of December, 2013.

/s/ J. Kelsey Grodzicki
J. KELSEY GRODZICKI
Georgia Bar No. 134259

Counsel for Bank of America, N.A.

Rubin Lublin, LLC
3740 Davinci Court, Suite 150
Peachtree Corners, GA 30092
(770) 246-3324 (Telephone)
(404) 601-5458 (Facsimile)
kgrodzicki@rubinlublin.com

CERTIFICATE OF SERVICE

I hereby certify that I have this 23rd day of December, 2013, served all parties in this matter with the foregoing by CM/ECF and by placing a true and correct copy of same in the United States Mail, with first-class prepaid postage affixed thereto, properly addressed as follows:

E.L. Clark
Clark & Washington, P.C.
Bldg. 3
3300 Northeast Expressway
Atlanta, Georgia 30341

/s/ J. Kelsey Grodzicki
J. KELSEY GRODZICKI
Georgia Bar No. 134259

Counsel for Bank of America, N.A.

Rubin Lublin, LLC
3740 Davinci Court, Suite 150
Peachtree Corners, GA 30092
(770) 246-3324 (Telephone)
(404) 601-5458 (Facsimile)
kgrodzicki@rubinlublin.com

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

In re:

Pamela Fae Peele,

Debtor.

Bank of America, N.A.,

Appellant,

v.

Pamela Fae Peele,

Appellee.

Case No. 13-cv-03853-~~RLV~~JEC

ORDER

For the reasons set forth in the Motion for Summary Affirmance filed by Bank of America, N.A., the Order Granting Motion to Determine Secured Status of Claim of Junior Lien Holder Bank of America, N.A., (“Order”) entered by the United States Bankruptcy Court for the Northern District of Georgia (Hagenau, J.) in this matter on October 18, 2013 is hereby AFFIRMED.

Date: Dec. 16, 2013

/s/ Julie E. Carnes

~~The Honorable Robert L. Wilkins, Jr.~~
United States District Court Judge
Julie E. Carnes

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

PAMELA FAE PEELE,

Debtor,

BANK OF AMERICA, N.A.,

Appellant,

vs.

PAMELA FAE PEELE,

Appellee.

BANKRUPTCY CASE NO.

12-81760-WLH

ADVERSARY NO.

CIVIL ACTION FILE

NO. 1:13-cv-3853-JEC

J U D G M E N T

This action having come before the court, Honorable Julie E. Carnes, United States District Judge, for consideration of appellant's Motion for Order Affirming Decision of Bankruptcy Court, and the Court having granted said motion, it is

Ordered and Adjudged that the Order Granting Motion to Determine Secured Status of Claim of Junior Lien Holder Bank of America, N.A. entered in the United States Bankruptcy Court for the Northern District of Georgia by Judge Wendy L. Hagenau on October 18, 2013 is **AFFIRMED**.

Dated at Atlanta, Georgia this 23rd day of December, 2013.

JAMES N. HATTEN
CLERK OF COURT

By: s/Denise D.M. McGoldrick
Deputy Clerk

Prepared, Filed, and Entered
in the Clerk's Office
December 23, 2013
James N. Hatten
Clerk of Court

By: s/Denise D.M. McGoldrick
Deputy Clerk

0months,APPEAL,CLOSED

U.S. District Court
Northern District of Georgia (Atlanta)
CIVIL DOCKET FOR CASE #: 1:13-cv-03853-JEC
Internal Use Only

Bank of America, N.A. v. Peele
Assigned to: Judge Julie E. Carnes
Case in other court: USBC ND Georgia, 12-81760-WLH
Eleventh Circuit, Not Assigned
Cause: 28:0158 Notice of Appeal re Bankruptcy Matter (BA

Date Filed: 11/20/2013
Date Terminated: 12/16/2013
Jury Demand: None
Nature of Suit: 422 Bankruptcy Appeal
(801)
Jurisdiction: Federal Question

Debtor

Pamela Fae Peele

Appellant

Bank of America, N.A.

represented by **Craig Goldblatt**
Wilmer Cutler Pickering Hale and
Dorr-DC
1875 Pennsylvania Ave., NW
Washington, DC 20006
202-663-6000
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joseph Kelsey Grodzicki
Rubin Lublin LLC
Suite 150
3740 Davinci Court
Peachtree Corners, GA 30092
770-246-3300
Email: kgrodzicki@rubinlublin.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Appellee

Pamela Fae Peele

represented by **Emory Lee Clark**
Clark & Washington
3300 N.E. Expressway
Building 3, Suite A
Atlanta, GA 30341
404-522-2222
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Page	Docket Text
11/20/2013	<u>1</u>		BANKRUPTCY RECORD RECEIVED on submission of Notice of Appeal filed 10/21/13, filed by Bank of America, N.A. from Order, entered on 10/18/13. (DESIGNATED ITEMS ATTACHED) (Attachments: # <u>1</u> Docket Sheet, # <u>2</u> Doc. 54 – Notice of Appeal, # <u>3</u> Doc. 52 – Order, # <u>4</u> Doc. 42, # <u>5</u> Doc. 51, # <u>6</u> Doc. 56, # <u>7</u> Doc. 57)(eop) Please visit our website at http://www.gand.uscourts.gov/forms to obtain Pretrial Instructions which includes the Consent To Proceed Before U.S. Magistrate form. Modified text on 11/21/2013 (eop). (Entered: 11/21/2013)
11/21/2013	<u>2</u>		Bankruptcy Appeal Briefing Schedule Appellant Brief due by 12/5/2013. Appellee Brief due by 12/19/2013. Appellant Reply Brief due by 1/2/2014. (eop) (Entered: 11/21/2013)
11/21/2013			Clerks Certificate of Mailing as to Bank of America, N.A. and Pamela Fae Peele re <u>2</u> Bankruptcy Appeal Briefing Schedule (eop) (Entered: 11/21/2013)
11/22/2013	<u>3</u>		MOTION for Order <i>Affirming Decision of Bankruptcy Court</i> with Brief In Support by Bank of America, N.A.. (Attachments: # <u>1</u> Exhibit "A" – Order, # <u>2</u> Exhibit "B" – Text of Proposed Order)(Grodzicki, Joseph) (Entered: 11/22/2013)
11/29/2013	<u>4</u>		ORDER OF RECUSAL. Judge Robert L. Vining, Jr. recused. Case reassigned to Judge Julie E. Carnes for all further proceedings. NOTICE TO ALL COUNSEL OF RECORD: The Judge designation in the civil action number assigned to this case has been changed to 1:13-cv-3853-JEC. Please make note of this change in order to facilitate the docketing of pleadings in this case. Signed by Judge Robert L. Vining, Jr. on 11/29/13. (jpa) (Entered: 12/02/2013)
12/02/2013	<u>5</u>		NOTICE of District Judge Reassignment. (jpa) (Entered: 12/02/2013)
12/02/2013			Clerks Certificate of Mailing to Craig Goldblatt and Emory Lee Clark re <u>5</u> Notice and <u>4</u> Order of Recusal (jpa) (Entered: 12/02/2013)
12/05/2013	<u>6</u>		NOTICE Of Filing additional USBC records (documents 42, 51–52, 54, 56–57, 59). (ddm) (Entered: 12/06/2013)
12/11/2013			Submission of <u>3</u> MOTION for Order <i>Affirming Decision of Bankruptcy Court</i> , submitted to District Judge Julie E. Carnes. (ddm) (Entered: 12/11/2013)
12/16/2013	<u>7</u>	4	ORDER granting <u>3</u> Bank of America's Motion for Summary Affirmance Subject to Appellate Review. Signed by Judge Julie E. Carnes on 12/16/13. (ddm) (Entered: 12/16/2013)
12/16/2013			Clerks Certificate of Mailing to Craig Goldblatt and Emory Lee Clark re <u>7</u> Order. (ddm) (Entered: 12/16/2013)
12/16/2013			Civil Case Terminated. (ddm) (Entered: 12/23/2013)
12/23/2013	<u>8</u>	5	CLERK'S JUDGMENT entered affirming the Order entered on October 18, 2013 in USBC. (ddm)—Please refer to http://www.ca11.uscourts.gov to obtain an appeals jurisdiction checklist— (Entered: 12/23/2013)
12/23/2013			Clerks Certificate of Mailing to Craig Goldblatt and Emory Lee Clark re <u>8</u> Clerk's Judgment. (ddm) (Entered: 12/23/2013)

12/23/2013	<u>9</u>	6	NOTICE OF APPEAL as to <u>7</u> Order on Motion for Order, <u>8</u> Clerk's Judgment by Bank of America, N.A.. Filing fee \$ 505, receipt number 113E-4948818. Transcript Order Form due on 1/6/2014 (Grodzicki, Joseph) (Entered: 12/23/2013)
12/23/2013	<u>10</u>		DESIGNATION of Record on Appeal by Bank of America, N.A. re <u>9</u> Notice of Appeal Case Appealed to Eleventh Circuit Case Number Not Assigned. (Grodzicki, Joseph) (Entered: 12/23/2013)
12/23/2013	<u>11</u>	11	NOTICE Of Filing Notice of Appeal Transmittal Letter as to Bank of America, N.A. re <u>9</u> Notice of Appeal (fem) (Entered: 12/23/2013)